

**AGENDA**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**REGULAR QUARTERLY BOARD MEETING**  
**1917 SOUTH INTERSTATE 35**  
**AUSTIN, TX 78741**  
**MAY 24, 2012 – 10:30 A.M.**

**Call to Order.** (G. Kemble Bennett, Ph.D., P.E., Presiding Officer)

1. Roll Call and Welcome Visitors..... G. Kemble Bennett, Ph.D., P.E.
2. Public Comment..... G. Kemble Bennett, Ph.D., P.E.
3. Consent Agenda ..... G. Kemble Bennett, Ph.D., P.E.

**(The following items may be acted upon under Consent Agenda and are marked with an asterisk\* on the Regular Quarterly Board Meeting Agenda)**

*(Motion)*

- January 29, 2010, Industry Advisory Committee Minutes (**See agenda item # 6**)
- March 2, 2011, Industry Advisory Committee Discussion (**See agenda item # 7**)
- March 2, 2011, Education Advisory Committee Minutes (**See agenda item # 8**)
- March 2, 2011, Government Advisory Committee Minutes (**See agenda item #9**)
- February 14, 2012, Licensing Committee Minutes (**See agenda item #10**)
- February 15, 2012, Policy Advisory Opinion Committee Minutes ( **See agenda item #11** )
- February 15, 2012, Enforcement Committee Minutes (**See agenda item #12** )
- February 15, 2012, General Issues Committee Minutes (**See agenda item # 13**)
- February 15, 2012, Regular Quarterly Board Meeting Minutes (**See agenda item #5** )
- Administrative Reports and Outstanding Administrative Penalties and Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments (**See agenda item #23**)
- Licensing Applications. (**See agenda item #26**)

**Discuss and Possibly Approve Board Minutes:**

4. **\*(Consent Agenda)** Discuss and possibly approve minutes of the February 15, 2012, Regular Quarterly Board Meeting Minutes..... G. Kemble Bennett, Ph.D., P.E.

**Discuss and Possibly Accept Committee Minutes:**

5. **\*(Consent Agenda)** January 29, 2010, Industry Advisory Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.
6. **\*(Consent Agenda)** March 2, 2011, Industry Advisory Committee Discussion ..... G. Kemble Bennett, Ph.D., P.E.
7. **\*(Consent Agenda)** March 2, 2011, Education Advisory Committee Meeting..... G. Kemble Bennett, Ph.D., P.E.
8. **\*(Consent Agenda)** March 2, 2011, Government Advisory Committee Meeting..... G. Kemble Bennett, Ph.D., P.E.
9. **\*(Consent Agenda)** February 14, 2012, Licensing Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.
10. **\*(Consent Agenda)** February 15, 2012, Policy Advisory Opinion Committee Minutes
11. **\*(Consent Agenda)** February 15, 2012, Enforcement Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.
12. **\*(Consent Agenda)** February 15, 2012, General Issues Committee Minutes..... G. Kemble Bennett, Ph.D., P.E.

**Discuss and Possibly Act on the following agenda items:**

13. Board Members' Activity Reports ..... G. Kemble Bennett, Ph.D., P.E.  
*(Report)*
14. Emeritus Members' Activity Reports..... G. Kemble Bennett, Ph.D., P.E.  
*(Report)*
15. Budget ..... Jeff Mutscher, Finance Director
  - FY 12 1<sup>st</sup> Quarter Budget Report  
*(Report)*
  - Initial FY13 Proposed Budget  
*(Report)*
16. Performance Measures Report ..... David Howell, P.E.

**Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:**

17. Enforcement Committee ..... Edward L. Summers, Ph.D.  
Acting Chair.
  - Discuss and possibly act on the following rule adoption:  
*(Motion required)*

- §139.35 (b) Sanctions and Penalties
  - Discuss and possibly act on the following rule proposal in accordance with the TBPE 4 year rule review:  
(*Motion Required*)
    - Chapter 137: Compliance and Professionalism
      - §137.17 Continuing Education Program
    - Chapter 139: Enforcement
      - §139.13 Filing a Complaint
      - §139.35 Sanctions and Penalties
  - Discuss and provide guidance to staff on the following rule suggestions:
    - §137.7 License Expiration and Renewal
    - §137.31 Seal Specifications
    - §137.37 Sealing Misconduct
  - Discuss, consider, and possibly act on decision resulting from SOAH case and Final Order for the following cases:  
(*Possible motion*)
    - D-32904; James H. Vance, P.E.
  - Staff Attorney Reports  
(*No action required*)
    - SOAH Cases
    - Suits Against the Board
    - Status of Court Cases (Injunctions)
18. General Issues Committee..... Daniel O. Wong, Ph.D., P.E.
- Discuss and possibly act on the following rule proposal in accordance with the TBPE 4 Year Rule Review..... Dewey Helmcamp, III, J.D.  
(*Motion required*)
    - Chapter 131: Organization and Administration
      - § 131.53 – Minutes
19. Policy Advisory Opinion Committee..... Bobby Ballí, P.E.
- Engineering Advisory Opinion Request ..... Charles Pennington, P.E.
    - Update on EAOR #31 – Designated Engineering Representative (DER)  
(Update)
    - EAOR # 33 – Direct Supervision ..... Charles Pennington, P.E.  
(*Motion Required*)
  - Discuss and possibly approve and/or recommend changes, rescinding current Engineering Advisory Opinions posted to comply with HB2284 C.W. Clark, P.E. / Charles Pennington, P.E.  
(*Motion Required*)
    - Policy Advisory Opinion (PAO) 3 - Structural or Mechanical Modifications to Building Roofs
    - PAO 9b - Does the practice of engineering include comprehensive and complete design of buildings by a competent engineer without the services of an architect?
    - PAO 21 - Manufactured Buildings
20. Licensing Committee ..... James “Jim” Greer, P.E.
- Personal Appearances from Licensing Applicants  
(*Motion required on all personal interviews*)
  - Discuss and possibly act on the following rule proposal in accordance with the TBPE 4 Year Rule Review ..... Dewey Helmcamp, III, J.D.  
(*Motion required*)
    - Subchapter F: Administration
      - §131.81—Definitions ..... David Howell, P.E.
    - Chapter 133: Licensing
      - §133.21 – Applications for Standard License
      - §133.23 – Applications from Former Standard License Holders

- §133.27 – Application for Temporary License for Engineers Currently Licensed Outside the United States.
- §133.31—Educational Requirement for Applicants
- §133.33—Proof of Educational Qualifications-Non-Accredited/Non-Approved Programs
- §133.61 – Engineering Examinations required for a License to Practice as a Professional Engineer
- §133.65—Examination on the Fundamentals of Engineering
- Chapter 135: Firm Registration (no changes)

**Discuss and Possibly Act on Reports or Items reported by the Executive Director:**

21. Executive Director's Report..... Lance Kinney, P.E.  
(Report)

- Activity Report
- Selection of new Emeritus Member
- State Auditor Office Audit
- Engineers & Architects update
- Windstorm Inspection Update
- NCEES SZ April Meeting and upcoming August 2012 Meeting
- Strategic Planning
- Quality Texas Update
- Sunset Review Update
- Outreach
  - New Options
  - Activities/Kudos

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:**

22. \*(Consent Agenda) Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments ..... C.W. Clark, P.E.

- J.A.M. Equipment Sales and Service (JAM)
- New Feuling Station for Venus ISD

23. Agreed Board Order.....Dewey Helmcamp, III J.D./  
(Motion) C.W. Clark, P.E.

1. Charles Beckham II – E-32736 (Greer)
2. R. Kirk Gregory, P.E. – D-30762 (Raba)
3. David Grissom, Ph.D., P.E. – D-31625 (Greer)
4. C. Scott Parker, P.E. – D-31323 & D-31960 (Summers & Reyna)

24. Consent Orders.....C.W. Clark, P.E.  
(Motion)

5. Lee Charles Page, P.E. – D-31908 (SOAH-Result)

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

6. D-33325

Practice Violations

7. Mody K. Boatright, P.E. – D-33370
8. Curtis Ray Dumas, P.E. – D-32654
9. Manuel Jesus Montemayor, P.E. – D-33110
10. Eduardo Romero, P.E. – D-33371
11. James Earl Westbrook, P.E. – D-33373

Sanctions Against Non-License Holders

None.

Firm Registrations/Sole Proprietorship Sanctions

12. Alaniz Engineering & Consulting, Inc. – B-33273
13. PHI Engineering Design & Consulting Corporation – B-33298

**Discuss and Possibly Act on Licensing Applications Requiring Board Ruling:**


25. **\*(Consent Agenda)** Licensing Applications ..... David Howell, P.E.  
Vote or Reconfirm Votes Pursuant to Board Rule §133.87:  
(Motion)  
Approved for Licensure  
Not Approved for Licensure  
Auto-non Approved for Licensure  
Waivers – Both  
Waivers – FE  
Waivers—PE  
Approved for Exams  
Firms Approved  
Firms not Approved

**Discuss and Possibly Act on Other Matters**

26. Issues from Board members for future meetings ..... G. Kemble Bennett, Ph.D., P.E.  
27. Future TBPE meeting dates ..... G. Kemble Bennett, Ph.D., P.E.

**Adjourn.**

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov’t. Code Ann. Chapter 551.

 Individuals needing special accommodation should contact the Texas Board of Professional Engineers at (512) 440-7723, in a timely manner.